THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.15508 of 2004

DATED:16.03.2006

Between:

Smt. Kalvakuntla Ratna Kumari ..Petitioner

And

The Collector (Panchayat Wing), Adilabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.15508 of 2004

ORDER:

Though the interlocutory matters are listed, the matter is heard finally with the consent of both the parties and is being disposed of finally.

The petitioner is a Sarpanch of Khanapur Village in Adilabad District. She was suspended by the first respondent in purported exercise of powers under Section 249(6) of the Andhra Pradesh Panchayat Raj Act, 1994 ('the Act', for brevity). The order is assailed in the writ petition, *inter alia*, on the ground that the same was not preceded by a valid notice as required under Section 249(6) of the Act. This is denied by the respondents. There is a controversy as to whether the notice/letter No.40/K1.Pts of 2003, dated 17-07-2003, was issued by the first respondent with reference to the exercise of powers under Section 249(1) or Section 249(6) of the Act. This is a matter, which can as well be decided by the revisional authority under Section 264 of the Act. Therefore, liberty is given to the petitioner to avail the remedy by filing a revision, which is an effective alternative remedy. The petitioner is statedly continuing as Sarpanch of the village by reason of the impugned orders passed by this Court. The same position shall continue for a period of four weeks. The petitioner is given a week's time to file revision before the Government. It is directed to dispose of the revision within a period of three weeks from the date of presentation of the revision. There shall be *status quo* as on today for a period of five weeks.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

Dated:16.03.2006

Note: Furnish C.C. by 18.03.2006

(B/o) GJ